

REMARKS

Claims 20-29, 34 and 35 are pending for consideration.

The foregoing amendments to the claims place this application fully in condition for allowance, and certainly in better condition for any appeal. Accordingly, entry of this amendment and allowance of all claims are respectfully solicited.

Claims 20-28, of which claims 20 and 23 are independent, were rejected under 35 U.S.C. § 103(a) over Kitada in view of Matsuzaki and Saito.

Applicants' amended claim 20 recites that the data stream includes both general and pay-per-view programming, and the step of selectively applying for receipt and display of said pay-per-view program either a billing amount charged for one receiver or a billing amount for said common group. These features are neither taught nor suggested by the applied prior art.

The Office Action concedes that the Kitada and Matsuzaki patents do not disclose selectively applying either a billing amount charged for one receiver or a billing amount for said common group. These references similarly therefore fail to teach or suggest such selectively applying for "for receipt and display of said pay-per-view program." To supply what is lacking from Kitada and Matsuzaki, the Office Action turns to Saito for its alleged teaching of selectively applying either a billing amount charged for one receiver or a billing amount for said common group.

However, the Saito billing methodology is to bill an amount for the group for general programming, and to only bill for the individual receiver that receives the pay-per-view programming. Thus, Saito only assesses the bill amount for the individual receiver, but is unable to select between a billing amount charged for one receiver or a billing amount for said common

group, as recited in Applicants' amended claim 20. Thus, none of the three applied prior art references either alone or in combination teaches the features of claim 20.

Accordingly, claim 20 is patentably distinct over the applied prior art. Withdrawal of the rejection of claim 20 and allowance of the same are therefore respectfully requested.

With respect to Applicants' independent claim 23, this claim has also been amended to recite selectively applying for receipt and display of said pay-per-view program either a billing amount charged for one receiver or a billing amount for said common group. As discussed above with respect to claim 20, this feature is neither taught nor suggested by the applied prior art. Withdrawal of the rejection of claim 23 and allowance of the same are therefore respectfully requested.

Claims 21, 22, and 24-29, which depend from independent claims 20 or 23 (either directly or indirectly through intervening claims), are patentably distinct over the prior art for at least the reasons discussed with respect to independent claims 20 and 23. Withdrawal of the rejection of the dependent claims and allowance of the same are therefore respectfully requested.

Claims 34 and 35, which depend from claims 20 and 21, respectively, have been added to further define that which Applicants regard as their invention. Claims 34 and 35 are patentably distinct over the applied prior art for at least the reasons discussed with respect to claims 20 and 21. Allowance of these new claims is respectfully requested.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested.

Any amendments to the claims not specifically argued to overcome a rejection based upon the prior art have been made for clarity, a purpose unrelated to patentability.

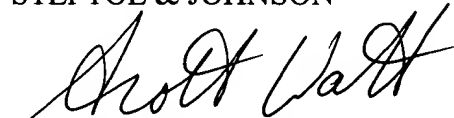
Serial No.: 09/554,009

If a telephone conference would be of value, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28951.1099).

Respectfully submitted,

STEPTOE & JOHNSON

A handwritten signature in black ink, appearing to read "Scott Watkins", written over the firm name.

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